

REMARKS

The Examiner is thanked for the indication that claims 3-4, 8-15, 17-19, and 23-25 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-7, 10-16, 18, 20-22, 24, and 26-30 are pending in the application. Claims 1, 16, 22, and 28-30 are independent. By the foregoing Amendment, claims 1, 10-14, 16, 18, 20, 22, 24, and 26 have been amended, claims 8, 9, 17, 19, 23, and 25 have been canceled, and claims 28-30 have been added. It is believed that these changes introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-15 Under 35 U.S.C. § 112, Second Paragraph

In the Office Action, the Examiner rejected claims 1-15 under USC §112, second paragraph as failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner states that no structural relationship has been recited between the tuning circuit and the tuning element or the gain medium. By the foregoing Amendment, Applicants have amended claim 1 to recite “a tuning circuit optically coupled with the gain medium and the at least one tuning element,” which Applicants respectfully submit accommodates the Examiner’s rejection. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 1-15.

Rejection of Claims 1-2, 5-7, 16, 20-22, and 26-27 Under 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1-2, 16, and 20-22, and 26-27 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,552,926 to Owa et al. (hereinafter “Owa”) and claims 1-2, 5-7, 16, 20-22, and 26-27 as anticipated by U.S. Patent No. 3,676,799 to Danielmeyer. (hereinafter “Danielmeyer”). A claim is anticipated only if each and every element of the claim is found in a reference. (MPEP §2131 *citing Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Applicants respectfully traverse the rejection.

Although Applicants believe claims 1-2, 5-7, 16, 20-22, and 26-27 are patentable as written, Applicants have amended claim 1 to include the subject matter of claim 8, which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claim 16 to include the subject matter of claim 17, which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claim 22 to include the subject matter of claim 23, which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have added claim 28, which includes the subject matter of claim 1 and claim 9, which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have added claim 29, which includes the subject matter of claim 16 and claim 19, which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have added claim 30, which includes the subject matter of claim 22 and claim 25, which the Examiner indicated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 5-7, 20-21, and 26-27 now properly depend from patentable claims. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 2, 5-7, 20-21, and 26-27.

CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Jan Little-Washington
Jan Little-Washington
Reg. No.: 41,181

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